

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

223

CRM-M-1459-2021 (O&M)
Date of Decision: 20.04.2021

SUKHDEEP KUMAR @ BUNTY ... Petitioner

Versus

STATE OF PUNJAB ... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. ADS Sukhija, Advocate for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G. Punjab.

Mr. Saurabh Kapoor, Advocate for the complainant.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case FIR No.238 dated 11.09.2020 registered under Sections 376, 506, 120-B IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012, at Police Station Division No.7, District Police Commissionerate Jalandhar.

Learned counsel for the petitioner states that the petitioner has falsely been implicated in the present case inasmuch as it was Gurpreet Singh @ Gopi, who is alleged to have committed rape upon the complainant-prosecutrix, with whom he was having a love affair.

Learned counsel for the petitioner further submits that the marriage of Gurpreet Singh @ Gopi with the complainant-Rupali @ Riya was solemnized on 19.03.2021 and since then, both of them have been residing together as husband and wife. In support of his contentions, learned counsel for the petitioner relies upon the judgment passed by Hon'ble Supreme Court in Criminal Appeal Nos.394-395 of 2021 in case titled Ananda D.V. vs State and Another decided on 12.04.2021.

Marriage certificate dated 19.03.2021 issued by Sikh Temple, evidencing marriage of the couple, sent through e-mail, is taken on record as Mark-A.

On the other hand, learned State counsel on the instructions from SI Sandeep Rani, submits that he has no knowledge regarding the aforesaid marriage.

Learned counsel for the complainant has not disputed the factum of marriage of Gurpreet Singh @ Gopi with the complainant.

I have heard the learned counsel for the parties.

As noticed above, the marriage of the main accused i.e. Gurpreet Singh @ Gopi with the complainant has already been solemnized on 19.03.2021 and both of them have been residing together as husband and wife. Gurpreet Singh @ Gopi has been granted anticipatory bail by this Court vide an order of even date.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 19.01.2021 granting interim bail to the petitioner, is made absolute, on furnishing of fresh bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

20.04.2021

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*